

Testimony of

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Before

**The Senate Subcommittee on Oceans and Fisheries
On S.1192 and S.1221**

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Good afternoon Senator Snowe, members of the subcommittee, and distinguished guests. I would like to thank you for the opportunity to testify before your committee. My name is James M. Kendall, and I am the Executive Director of the New Bedford Seafood Coalition. I am a member of the New England Fishery Management Council, and I am the President of the Massachusetts Fishermen's Partnership.

The New Bedford Seafood Coalition represents many of the fishing industry issues from the port of New Bedford, and Fairhaven, Massachusetts, and it is in that capacity that I will testify today. Some of the issues that I will speak to today will be representative of the New Bedford perspective, and not necessarily those of either the New England Fishery Management Council, or the Massachusetts Fishermen's Partnership.

The issues before you today represent many of the fears that have been brought on by years of mismanagement, or even worse no management at all. All of these fears deserve, and need to be addressed in the bright light of day.

The prohibition against factory trawlers fishing on Georges Bank is an easy one to accept at first glance, but as a former fisherman of 32 years, let me assure you that it is not that simple. There may come a time when the existing fishing vessels of the New England fleet are unable to prosecute a fishery due to many variables, such as weather, distances, cost considerations, and the absolute volume involved in a fishery such as there is with Atlantic herring and mackerel. Underlying all these considerations must be the safety of the vessels and their crews.

Outright prohibitions or bans will not manage and protect a fishery, but they will definitely prevent that fishery from existing. I do not believe that this is what Congress intended when it put the original moratorium in place. I do believe that Congress acted as it did to prevent the unregulated harvesting of a totally unprotected resource.

This was as it should have been, and this is exactly what I asked for, when I appeared as a representative of industry, at a New England Fishery Management Council meeting last year.

The New England Fishery Management Council is now developing a fishery management plan for Atlantic herring. This management plan will allow us a unique

opportunity to develop a fishery for a resource that, by most accounts, is in very good shape. Current stock estimates suggest that the resource could support a maximum sustainable yield of over 300,000 metric tons per year. You will find in the New England Fishery Management Council's report to this committee, that the industry only harvested about 100,000 metric tons in 1997. The report goes on to say that if the U.S. fishermen can develop the market to support an increased catch, then we might be able to relieve some of the economic stresses in our other fisheries. I submit to you, the committee, that we will not be able to fully develop a market for a resource if we are not able to harvest it to its sustainable yields.

The city of New Bedford has shown an interest in looking towards this resource as a possible new cornerstone in its hope for new growth for a troubled industry. One of the strongest statements throughout the fisheries crises has been, "you will have to change, you can not expect to continue to do business as usual!" This is one area that we are looking to as a way to build towards a new future for our troubled fishing industry. We have had some interest shown in the possibility of a new processing plant being built in New Bedford to support this fishery. The new city administration of Mayor Frederick M. Kalisz is encouraging the local fishing industry to take a look to our future with a enthusiasm and earnestness that was lacking for many years. Where it once was acceptable to just exist and survive, we are now being encouraged to diversify and plan for future successes.

In New Bedford, we have many fishing vessels that would like an opportunity to explore the possible option of supplementing their reduced fishing time by fishing in this fishery. The possible involvement with a joint venture type of fishery would be the most practicable method for most of these vessels. The sheer volume needed in the herring and mackerel fishery makes it just about impossible to do any other way than with a joint venture type of operation. The size of most of the fishing boats in our New England fisheries would preclude them from catching, holding, and transporting enough product from Georges Bank to a shoreside processor to be feasible. Even with the new interest shown in developing this fishery, it remains doubtful that we would be able to prosecute the fishery to its maximum sustainable level with our existing fleet.

While I do not call for building new factory trawlers, or large scale fishing vessels, I would not call for a permanent ban or forever forbid their existence. Forever is a long, long time. While a fishing vessel is expected to last a long time, it would be unreasonable to expect it to last forever. It also would be unreasonable to expect someone to crew a fishing vessel beyond its safe life expectancy. But, this is what might happen if a vessel was caused to be fished beyond safe limits, because it could not be replaced by a newer vessel.

I also do not wish to presume that 75 % ownership will predicate U.S. ownership any more so than what 51% ownership might do if the present requirements were properly

enforced. One point that I would like to make at this time though, is that one size definitely will not fit all! What may work for us here on the East Coast might be totally unacceptable for any other region or fishery. The same holds true that what might work elsewhere, might be untenable here.

It is because of this fact that the individual Fishery Management Council system, that we have in place now, is the best method for managing the resource that we have. With the Management Council system we can try to fit the appropriate solution to the immediate problem at hand as best reflected within each fishery management region. I do not believe that Congress could or would do a better job in managing the individual fisheries than the Fishery Management Councils can. I do believe that Congress can assure us that it will insure that the Councils will do their utmost to provide the American fishermen and the American public with their best possible efforts. I respectfully submit that we allow the Fishery Management Councils to manage the resource and the fisheries, and if need be, then let Congress manage the Fishery Management Councils.

When Congress passed last years appropriations bill it included language that prevented American flagged fishing vessels: greater than 165 feet in registered length, of more than 750 gross registered tons, or that have engines of more than 3,000 shaft horsepower from fishing on Georges Bank. What this bill in effect accomplished by definition, was to prohibit large American flagged vessels from participating in any capacity as a joint venture partner to smaller local fishing vessels in the New England fisheries. At the same time foreign flagged vessels were, and still are, able to engage in this type of venture. I must ask the question, was this what Congress intended?

In the draft of S.1192 provided to me, I have noticed two points that I would like to comment on. The first, is that the language referring to total horsepower is not consistent with similar language in S.1221 or with other versions I have read. The discrepancy is in the omission of the word "shaft" following the word "than", and preceding the figure "3,000." This would have a tremendous impact on the overall result of the actual effective horsepower of a fishing vessel by possibly including winch engine, generator engines, and hydraulic pump engines ratings in the total horsepower figure. Shaft horsepower refers to the horsepower derived from the main engine or engines for the propulsion of the vessel.

My second comment questions the dates for submission quoted in the bill. I would question whether or not, the New England Fishery Management Council will be able to prepare and submit a fishery management plan for Atlantic herring no later than June 30, 1998. I would ask the same question of the time line given to the Mid-Atlantic and New England Councils for submission of a management plan for Atlantic mackerel, Squid, and Butterfish.

Thank you for receiving these comments respectfully submitted for your consideration.